IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
NOTICE OF MOTION NO.181 OF 2006
IN
WRIT PETITION NO.2717 OF 2005

Darshan Resident Welfare Association ...Petitioner.
V/s.
The State of Maharashtra & Ors. ...Respondents.

Mr.S.G.Surana for Petitioner.
Ms.Preeti Purandare for Respondent No.2 to 5.

CORAM: H.L.GOKHALE &
S.R.DONGAONKAR, JJ.
DATE : 28th April, 2006.

P.C.:

1. Heard Mr.Surana in support of this Motion which is taken out by respondent no.6. Respondent No.1 has been served. Ms.Purandare is present for respondents no.2 to 5. Petitioner's advocate has been served. Mr.Surana has shown his acknowledgment.

2. Petition filed by the petitioner-society has been dismissed by this Court by an order passed on 27th February, 2006 observing that the petitioner does not appear to have moved with a bonafide intention. Petition was filed on behalf of some 41 tenants in a municipal chawl known as Lal Vitachi Chawl at Katrak Road, Wadala. They are occupying municipal land which is required for road widening. Tenements to re-house them are ready in

all respects. Petitioner wanted its scheme to be separately developed under D.C.Regulation 33(7). The tenants are being accommodated in a scheme for the adjoining slum dwellers. Submission of the petitioner was examined and rejected.

3. The Present Motion seeks a direction that the Municipal Corporation be directed to shift these occupants and to demolish the structure occupied by them. The notice issued by the Municipal Corporation to the tenants on 10th March, 2006 is brought to our notice. It records the room number and building number to which the occupants have been directed to shift.

4. Mr.Surana informs that some 10 tenants out of 41 tenants have shifted but still they are not vacating the structures that they are occupying. Removal of these structures is also required for having access to the rear side building where further development is contemplated.

5. In view of what is stated above, we direct the Municipal Corporation to issue last notice to all these occupants. Notice will be served on all of them on or before 5th May, 2006. Notice will call upon them to shift on or before 12th May, 2006. Corporation is directed to start demolition of all these structures from 15th May,

2006 so that the entire area will be cleared at the earliest and the road will be widened well before the monsoon starts. As far as 10 occupants who have shifted are concerned, the Municipal Corporation is directed to demolish their structures forthwith.

6. Motion stands disposed of in the above terms.

(H.L.GOKHALE,J.)

(S.R.DONGAONKAR, J.)